

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 2741	DATE	3/31/2004
CASE TITLE	Mitsui Sumitomo Ins vs. Watkins Mtr Line Inc		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

--

## DOCKET ENTRY:

- (1)  Filed motion of [ use listing in "Motion" box above.]
- (2)  Brief in support of motion due \_\_\_\_\_.
- (3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)  Local Rule 41.1  FRCP41(a)(1)  FRCP41(a)(2).
- (10)  [Other docket entry] For the reasons stated on the reverse side of this minute order, the Court denies the cross motions for summary judgment [8-1], [13-1] without prejudice. Furthermore, the Court strikes as moot plaintiff's motion to strike the affidavit of Bob Fredere [22-1]. Status hearing set for 04/12/04 to stand. Enter Memorandum Opinion.
- (11)  [For further detail see order on the reverse side of the original minute order.]

No notices required, advised in open court.		number of notices	Document Number
No notices required.		MAR 31 2004	
Notices mailed by judge's staff.		date docketed	
Notified counsel by telephone.		<i>DM</i>	
<input checked="" type="checkbox"/> Docketing to mail notices.		docketing deputy initials	
Mail AO 450 form.			
Copy to judge/magistrate judge.			
maw	courtroom deputy's initials	date mailed notice	
		Date/time received in central Clerk's Office	mailing deputy initials

## ORDER

This matter is before the court on cross motions for summary judgment. Defendant entitled their motion as a partial motion for summary judgment. However, it is not clear from Defendant's motion and argument the extent for which Watkins is seeking summary judgment. On one hand, Defendant appears to be seeking summary judgment on the issue of limited liability and on the other hand they seem to be challenging whether they are liable at all on the Plaintiff's claim. For example, in Defendant's prayer for relief, Defendant "...requests that this Court enter an Order granting its Motion for Partial Summary Judgment, limiting its liability, *if any*, to \$10,150.00 and order such other relief as it deems just and proper...". (emphasis added) Therefore, for the purposes of clarification, we deny the cross motions for summary judgment without prejudice. As such, the court strikes as moot Mitsui's motion to strike the affidavit of Bob Fredere. If the parties wish to renew the motions they may do so.